

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00129

CORY CHAFIN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 19, 2013, the United States of America appeared by William B. King, II, Assistant United States Attorney, and the defendant, Cory Chafin, appeared in person and by his counsel, Dana F. Eddy, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a three-year term of supervised release in this action on July 11, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on January 26, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the state and local crime of driving a vehicle with a suspended or revoked driver's license as evidenced by his plea of guilty on April 11, 2012, for which he was sentenced to six months unsupervised probation; (2) that the defendant committed the federal, state and local offense of simple possession of crack cocaine as evidenced by his plea of guilty on December 17, 2012; (3) that the defendant used and possessed cocaine as evidenced by positive urine specimens submitted by him on November 28, December 7, 19 and 27, 2012, and January 7 and 17, 2013, the defendant having also admitted to the probation officer that he used and possessed cocaine on November 25 and December 5, 2011, and that he had used and possessed cocaine powder multiple times during the months of August and September 2011; (3) that the defendant failed to submit monthly reports for the months of December 2011, and January, February, March, April, May, July, August, September and November 2012; (4) that the defendant associated with persons who possessed and used illegal drugs without permission

during the months of September, October and November 2011, as evidenced by his admission to the probation officer on December 7, 2011; (5) that the defendant associated with a convicted felon without permission on January 22, 2012, inasmuch as he was arrested at that time in the company of Juan Chic; (6) that the defendant failed to report for urinalysis testing as instructed on August 9 and 13, September 14, October 23 and 26, November 9, 14 and 16, and December 13, 2012; and (7) that the defendant failed to report for substance abuse treatment as instructed on June 5, August 23 and 28, October 23, November 6 and 27, and December 14, 2012; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

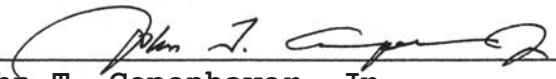
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six months in a community confinement center, preferably Dismas Charities, and follow the rules and regulations of the facility and participate in drug abuse counseling and treatment as directed.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI McKean.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 1, 2013



John T. Copenhaver, Jr.
United States District Judge